

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CRIMINAL ACTION NO. 5:20-CR-00046-KDB-SCR-9**

**UNITED STATES OF
AMERICA,**

v.

RUTH MARIE DUGGAR,

Defendant.

ORDER

THIS MATTER is before the Court on Defendant's *pro se* motion for application of the Sentencing Commission's recent amendment to U.S.S.G. §4A1.1 in Amendment 821. (Doc. No. 485).

In Defendant's Presentence Report, Defendant was assessed two criminal history points called "status points" as she committed the offense while under a criminal justice sentence. (Doc. No. 255, ¶ 48). This gave the Defendant five criminal history points and a criminal history category of III. *Id.*, ¶ 49. Under the amendment to U.S.S.G. §4A1.1, Defendant would not have received any status points as she only had three criminal history points before the assessment. Three criminal history points would be a criminal history category II and the applicable sentencing guidelines would change to 151-188 months imprisonment given her offense level of 33. Defendant is therefore eligible for consideration of a reduction in sentence.

At sentencing, this Court varied downward from the guidelines and sentenced Defendant to 132 months imprisonment. (Doc. No. 357). This Court varied downward due to the nature and circumstances of the offense, the history and characteristics of Defendant, and to avoid an

unwarranted sentencing disparity among her co-defendants. (Doc. No. 358 at 3). The Court imposed the sentence it believed served all the 18 U.S.C. §3553(a) factors irrespective of the status points, and the sentence remains below the revised guideline range with the application of Amendment 821. No further reduction is warranted.

IT IS THEREFORE, ORDERED, that Defendant's *pro se* request for application of the Sentencing Commission's recent amendment to U.S.S.G. §4A1.1 and reduction in sentence (Doc. No. 485), is **DENIED**.

SO ORDERED.

Signed: December 8, 2023



Kenneth D. Bell
United States District Judge

